

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ANTOINE LEE BOYLE,)
)
Plaintiff,)
)
v.) No. 1:24-cv-00006-CDP
)
)
MISSOURI DEPARTMENT OF)
CORRECTIONS, et al.,)
)
Defendants.)

MEMORANDUM AND ORDER

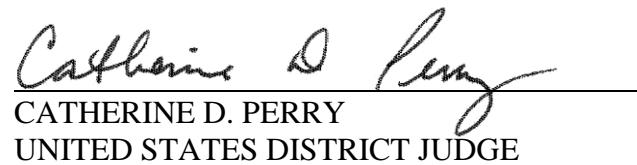
This matter is before the Court on review of the file. Rule 4(m) of the Federal Rules of Civil Procedure states, “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant. . .”

On October 2, 2024, the U.S. Marshals attempted to serve Defendant Freeman at his last known address. On October 23, 2024, the Marshals returned the proof of service unexecuted, stating that Freeman had moved and left no forwarding address. On October 29, 2024, the Court ordered Plaintiff to provide the Court with adequate information such that Freeman may be timely served under Rule 4(m). Plaintiff has failed to answer the Court in a timely fashion. As a result, the Court will dismiss this action as to Defendant Freeman, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s claims against Defendant Ethan Freeman are **DISMISSED** without prejudice. *See Fed. R. Civ. P. 4(m)*

A separate Order of Partial Dismissal will accompany this Memorandum and
Order. Dated this 17th day of December 2024.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE